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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/736,954   | 12/15/2003  | Remco Teunen         | 4414-1508           | 5536             |
| 31825 7590 04/22/2008<br>RYAN, MASON & LEWIS, LLP<br>90 FOREST AVENUE<br>LOCUST VALLEY, NY 11560 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| NG, EUNICE   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2626   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 04/22/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/736,954

**Applicant(s)**

TEUNEN ET AL.

**Examiner**

Eunice Ng

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed 8/21/07, Applicants have submitted an Amendment, filed 1/22/08, amending claims 7 and 12, without adding new matter, and arguing to traverse claim rejections.

### ***Claim Objections***

2. Claim 7 has been amended and this change is acceptable. Applicant's argument, see Remarks filed 1/22/08, p. 6, ll. 9-19, with respect to claim 7 has been fully considered and is persuasive. Thus, the objections have been withdrawn.

### ***Response to Arguments***

3. Applicant's arguments filed 1/22/08 have been fully considered but they are not persuasive. Applicants argue that Reding fails to teach or suggests the claimed arrangement wherein a voice print generator receives a first specification designating a first set of data (Remarks, p. 7). However, as indicated in the previous Office Action (dated 8/21/07), Reding teaches on page 5, ¶ 59, that his recordings contain speech information which can be transmitted via the Internet for use in model training. The examiner also contends that even though speech data 410 is itself a set of data which can be used in model training and/or speech recognition operations, it still reads on being a first specification for designating a first set of data to be used in producing a first voiceprint.

Applicants submit that Reding teaches away from the limitations of claim 2 wherein the voice print generator receives a first specification including a designation of the specific speech engine to be used in producing said first voice print (Remarks, p. 8). Applicants submit that Reding instead teaches a technique wherein new speech recognition engine software may be transmitted from a centralized speech processing facility along with updated models. However, the examiner contends that this still reads on the limitations recited in claim 2, above. Reding teaches in paragraph 25, "upgrading speech recognition models and the speech recognition engine used therein,"; the "updated models are returned to the speech recognition systems along with, in some cases, new speech recognition engine software," which teaches using a particular application or specific speech engine.

In response to applicant's argument that Saylor is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Reding shares recognition data over the Internet to improve or reduce computation and storage among multiple systems which is a similar goal of Saylor, as indicated in the previous Office Action (dated 8/21/07). Thus, the rejections in view of Reding et al. and Saylor et al. are maintained and repeated, below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding *et al.* (hereinafter Reding), US Patent App. Pub. 2002/0065656.

Regarding claim 1, Reding suggests a system for generating voiceprints (his speech recognition models; Abstract), comprising: a first specification for designating a first set of data to be used in producing a first voiceprint (see Fig. 4, item 410, speech data); and stored voice recordings annotated with metadata describing characteristics associated with said stored voice recordings (see Fig. 4, item 414, digital speech recording; ¶ 59, “Speech data 410 includes extracted feature information 412, e.g., feature vectors, and digital recordings of speech 414).

Reding suggests, a voice print generator for receiving said first specification and using said first set of data to retrieve selected voice recordings from said stored voice recordings, and further for generating said first voiceprint using said selected voice recordings (see Fig. 4, item 406, speaker dependent SRMS; ¶ 58). Reding does not explicitly use the term “voice print generator.” However, he teaches the use of speaker dependent speech recognition models (p. 5, ¶ 58 and Fig. 4, item 406). Page 5, ¶ 59, also teaches that his recordings contain speech information which can be transmitted via the Internet for use in model training.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the speech related data he has stored to generate speaker dependent models because he teaches it is useful to allow sharing of such information between computers over the Internet (p. 5, ¶ 59).

The limitations of claims 5 and 10 are the same as or similar to those of claim 1, rejected above, and thus are rejected for the same reasons.

Regarding claim 2, Reding teaches wherein said first specification includes a designation of the specific speech engine to be used in producing said first voiceprint, and further wherein said voice print generator creates said first voiceprint using said specific speech engine (p. 3, ¶ 25, updated models are returned to the speech recognition systems along with, in some cases, new speech recognition engine software teaches using a particular application or specific speech engine).

The limitations of claims 6 and 11 are the same as or similar to those of claim 2, rejected above, and thus are rejected for the same reasons.

Regarding claim 3, Reding teaches wherein said first specification is provided by a first application coupled to said system, said first application requesting said first voiceprint (using a particular application or a particular request is taught by Reding on p. 10, ¶ 120, which teaches the case of a speaker dependent speech recognition model type..., ¶ 122 which teaches the model store includes separate sets of models for individual users and ¶ 125 which teaches systems which use speech recognition models can periodically request, from the speech processing facility 18, speech recognition model updates via the Internet). Thus, Reding teaches that his system may serve a variety of applications based upon user requests.

As noted above, “specific voiceprints requested by said applications” (claim 5) is suggested by Reding in ¶ 120 which further teaches that [t]he generated speech recognition model will be of the type specified by the received information.

The limitations of claims 7 and 12 are the same as or similar to those of claim 3, rejected above, and thus are rejected for the same reasons.

6. Claims 4, 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding et al. in view of Saylor et al. (hereinafter Saylor), US Patent 6,501,832.

Regarding claim 4, Reding does not explicitly teach the use of “additional metadata” as claimed. However, Saylor teaches that it is old and well known to include metadata to describe necessary database content for particular applications when recognition data is shared over the Internet (col. 14, ll. 55-63). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further improve Reding because Reding shares recognition data over the Internet to improve or reduce computation and storage among multiple systems, which is a similar goal of Saylor. Therefore, Reding in view of Saylor teaches wherein said first application collects current voice recordings from a first application user and annotates said current voice recordings with additional metadata, and further wherein said first application provides said current voice recordings and said additional metadata to said system for storage and subsequent use (see also rejection of claims 1, 5 and 10, above).

The limitations of claims 8, 9 and 13 are the same as or similar to those of claim 4, rejected above, and thus are rejected for the same reasons.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eunice Ng whose telephone number is 571-272-2854. The examiner can normally be reached on Monday through Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information



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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. N./

Examiner, Art Unit 2626

/David R Hudspeth/

Supervisory Patent Examiner, Art Unit 2626